

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Review, Adopt, and Confirm the Cost Report for City Weed Abatement on properties located at 215 E. Almond Drive, Lodi, CA (APN 062-060-13), 1640 S. Stockton Street, Lodi, CA (APN 062-060-12), and 1544 S. Stockton Street, Lodi, CA (APN 062-060-04).

MEETING DATE: August 1, 2001

PREPARED BY: Fire Department Division Chief Verne Person

RECOMMENDED ACTION: That following a public hearing regarding the matter, the City Council adopt a resolution confirming the cost of weed abatement for properties located at 215 E. Almond Drive, Lodi, CA (APN 062-060-13), 1640 S. Stockton Street, Lodi, CA (APN 062-060-12), and 1544 S. Stockton Street, Lodi, CA (APN 062-060-04) and providing for collection through the San Joaquin County Auditor's Office.

BACKGROUND INFORMATION: Process for weed abatement was begun on April 14, 2000 for abatement of three parcels located at Stockton St. and Almond Dr., which are owned by Concord Development of South Pasadena, California. On September 7, 2000 after three written notifications, the Law Offices of Todd Fujinaga who represents the property owner, Edward Lui was contacted. We had numerous conversations regarding the abatement process and the property owner took no action. On October 5, 2000 a request for bids abating the property was sent. A private contractor was hired by the City to remove the weeds and vines on the property. The cost including administrative fees is \$14,872.02.

The public hearing is being held pursuant to Government Code Section 38773.1. (a) and Lodi Municipal Code Section 15.31.120. Written notification of the public hearing was mailed to the property owner in accordance with Government Code Section 38773.1. (b).

Therefore, it is recommended that the following the public hearing the City Council adopt a resolution confirming the cost of weed abatement abatement for properties located at 215 E. Almond Drive, Lodi, CA (APN 062-060-13), 1640 S. Stockton Street, Lodi, CA (APN 062-060-12), and 1544 S. Stockton Street, Lodi, CA (APN 062-060-04) and providing for collection through the San Joaquin County Auditor's Office.

Both the Purchasing Officer and the Fire Marshal will be at the August 1, 2001 City Council meeting to present the staff report and answer any questions the Council may have.

FUNDING: None required.

Michael Pretz

Fire Chief

APPROVED:

H. Dixon Flynn -- City Manager

CERTIFICATE OF POSTING
NOTICE TO DESTROY WEEDS AND TO REMOVE REFUSE

I, Verne Person, certify that on October 11, 2000 I posted
"Notice to Destroy Weeds and to Remove Refuse" in accordance with
Lodi Municipal Code Section 15.31.050.

A copy of said notice is shown on the attached and is made a
part of this Certificate of Posting.

Dated: October 11, 2000

A handwritten signature in black ink, appearing to read "Verne Person", written over a horizontal line.

Verne Person
Fire Department Division Chief

NOTICE TO
DESTROY
WEEDS
AND TO
REMOVE
REFUSE

Pursuant to Chapter 15.31 of the Lodi Municipal Code, notice is hereby given that weeds and/or refuse are situated upon this lot and are a public nuisance. Said weeds are required to be destroyed or removed from this lot. And the public nuisance thus abated, within fourteen (14) days after the date of this posting, unless within ten(10) days after said posting date a person interested in this lot files in writing with the City Clerk of the City of Lodi a request for hearing before the City Council to consider objections to this abatement order. Said hearing shall be at the next regularly scheduled City Council meeting, or any adjournment thereof, after the filing of said request. The date, time and place may be obtained from the City Clerk. If a hearing is so requested, said public nuisance is required to be abated within fourteen (14) days after the date of said posting, or within five (5) days after the decision of the Council, whichever is later, unless a longer period is directed by said Council.

If said public nuisance is not abated as required the City of Lodi will abate or cause it to be abated, and the cost thereof shall be immediately due and payable and shall be assessed against this lot and become a lien thereon. A hearing before the City council to consider objections to said costs will be held on July 18, 2001. Said cost can be obtained from the City clerk ten (10) days before said hearing date.

Said chapter 15.31 is available in the office of the City Clerk.

Dated and posted: 10/11/00

CITY OF LODI

By Kathleen Gast
Public Official

When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2001-188

A RESOLUTION OF THE LODI CITY COUNCIL
CONFIRMING THE COST OF WEED ABATEMENT FOR
THE YEAR 2000 AND PROVIDING FOR COLLECTION

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BEFORE THE CITY COUNCIL OF THE CITY OF LODI

IN THE MATTER OF:

Resolution Confirming the Cost of Weed Abatement
for 2000 and Providing for the Collection
on the Regular Tax Bill

WHEREAS, pursuant to Lodi Municipal Code Chapter 15.31, Notice was posted on the properties on October 11, 2000, declaring that weeds and/or refuse situated on certain lots located in the City of Lodi were a public nuisance; and

WHEREAS, said Notice required weeds and/or refuse to be destroyed or removed and the public nuisance abated within fourteen (14) days after the date of the posting of the Notice; and

WHEREAS, any person interested in any such lot may within ten (10) days after said posting of said Notice on the property, request a hearing before the City Council in writing, addressed to the City Clerk of the City of Lodi, to consider objections to the Abatement Order; and

WHEREAS, there being no request for a hearing regarding the abatement order by the Property Owner(s) and/or any interested person(s), the Enforcement Officer now requests that the City Council confirm the costs of the 2000 Weed Abatement Program.

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED AS FOLLOWS:

(1) Pursuant to Lodi Municipal Code Chapter 15.31, the Enforcement Officer ordered the abatement of the public nuisance to have the weeds, rubbish, refuse, and dirt removed and thereafter the Enforcement Officer, by third party contract, caused the nuisance to be abated and the Enforcement Officer kept an account of the cost of abatement and has submitted it to the Council for confirmation in the form of an itemized written report showing the cost and a copy of the report has been posted in the time and manner required by Government Code Section 39575. No objections were filed or made by the property owner liable for assessment for the abatement and the report as set forth in Exhibit "A" is confirmed.

(2) Cost of the abatement, as set forth in Exhibit "A" constitutes a special assessment against that parcel and is a lien on the parcel.

(3) The City Clerk is directed to transmit a certified copy of this resolution to the County Recorder for processing and coordination with the County Assessor, County Tax Collector, and County Auditor. The County Auditor is requested to enter the assessment on the county tax roll and to collect the total amount of the assessment at the time and in the manner as other ordinary municipal taxes. All in the manner provided by Government Code §§39560-39587.

Dated: August 1, 2001

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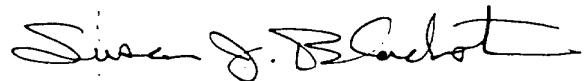
I hereby certify that Resolution No. 2001-188 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 1, 2001, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
CITY CLERK



CITY OF LODI

FIRE DEPARTMENT

Michael Pretz
Fire Chief

Div. Chief Steven Raddigan
Resource Administration

Div. Chief Verne Person
Administrative Services

217 WEST ELM STREET
LODI, CALIFORNIA 95240

Batt. Chief Don Linn
Facilities

Batt. Chief James Inman
Essential Resources

ADMINISTRATION: (209) 333-6735
FIRE/LIFE SAFETY: (209) 333-6739
FAX: (209) 333-6844

Batt. Chief George Juelch
Apparatus & Equipment

Batt. Chief Kevin Donnelly
Personnel Development

July 19, 2001

Susan Blackston
Lodi City Clerk
211 W. Pine St.
Lodi, CA. 95238

I hereby submit the 2001 second quarter report request for lien to be placed on property parcels. The City of Lodi Fire Department has abated the listed properties under the guidance of the Lodi Municipal Code, Chapter 15.31. The City contracted the services of a private contractor following a formal bid process for the abatement of the three parcels represented by the Law Offices of Todd Fujinaga and owned by Edward Liu.

The costs totaled \$14,872.02 and are itemized with attached invoice.

If you have any questions, please contact myself at (209) 333-6739.

Sincerely,

Div. Chief Verne Person
Lodi Fire Dept.

Cc: Mike Pretz

RECEIVED
01 JUL 20 AM 9:09
SUSAN J. BLACKSTON
CITY CLERK
CITY OF LODI

I N V O I C E
FINANCE DEPARTMENT
CITY OF LODI

City Hall Annex / 212 West Pine Street / P O Box 3006 / Lodi CA 95241-1910
Telephone 333-6800

Mr Todd Fujinaga
Law Offices
158 E Jackson Street
San Jose CA 95112

Date: 06/07/01

Invoice No.: 01-0607.4

Please make check payable to City of Lodi
P O Box 3006 Lodi CA 95241

D E S C R I P T I O N	UNIT PRICE	EXTENSION
Abatement (discing and removal) of weeds & debris at 215 E Almond Dr., Lodi, CA (APN 062-060-13) 1640 S Stockton St., Lodi, CA (APN 062-060-12) 1544 S Stockton St., Lodi, CA (APN 062-060-04)		\$14,799.94
Administrative Fees		\$ 72.08
This invoice is due and payable upon receipt. If payment is not received by July 8, 2001, this bill, plus additional administrative fees, will be forwarded to the County Tax Collector for processing and collection.	SUBTOTAL:	\$14,872.02
	SALES TAX	N/A
	SHIPPING	N/A
	TOTAL	\$14,872.02

CITY COUNCIL

ALAN S. NAKANISHI, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
SUSAN HITCHCOCK
EMILY HOWARD
KEITH LAND

COPY
CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

July 20, 2001

Mailed Regular and Certified Delivery
#7000 0520 0025 1242 6314

Edward Liu
Concord Development Inc.
1637 Camino Lindo
South Pasadena, CA 91030

CITY COUNCIL PUBLIC HEARING – AUGUST 1, 2001

This is to notify you that a public hearing will be held by the Lodi City Council on **Wednesday, August 1, 2001 at 7:00 p.m.** or as soon thereafter as the matter can be heard, at the Carnegie Forum, Council Chamber, 305 West Pine Street, Lodi, California.

This hearing is being held pursuant to Lodi Municipal Code 15.31.120 regarding abatement and administrative costs totaling \$14,872.02 for discing and removal of weeds and debris to your properties located at:

215 E. Almond Drive, Lodi, CA (APN 062-060-13)
1640 S. Stockton Street, Lodi, CA (APN 062-060-12)
1544 S. Stockton Street, Lodi, CA (APN 062-060-04)

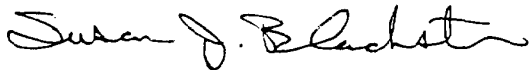
Written statements may be filed with the City Clerk, City Hall, 221 W. Pine St., 2nd floor, Lodi, 95240 at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public hearing.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

Should you have any questions, please contact the City Clerk's Office at (209) 333-6702.

Sincerely,

A handwritten signature in cursive script, reading "Susan J. Blackston".

Susan J. Blackston
City Clerk

Enclosure

cc w/encl: Todd Fujinaga, Attorney for Mr. Liu
Randall Hays, City Attorney
Dixon Flynn, City Manager
Michael Pretz, Fire Chief
Verne Person, Fire Division Chief
Joel Harris, Purchasing Officer



CITY OF LODI

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July 19, 2001

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Div. Chief Verne Person
Lodi Fire Dept.

Cc: Mike Pretz

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H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

August 2, 2001

San Joaquin County
Recorder's Office
P.O. Box 1968
Stockton, CA 95201-1968

**RE: RESOLUTION OF THE LODI CITY COUNCIL CONFIRMING THE COST
OF WEED ABATEMENT FOR THE YEAR 2000 AND PROVIDING FOR
COLLECTION**

Enclosed please find certified copy of the resolution confirming the cost of Weed Abatement for the Year 2000 and providing for collection, which was approved by the Lodi City Council at its meeting of August 1, 2001.

It is requested that the assessment be entered onto the County tax roll and that the total amount of the assessment be collected at the time and manner as other ordinary municipal taxes.

Should you have any questions regarding this matter, please contact me at (209) 333-6702.

Sincerely,



Susan J. Blackston
City Clerk

SJB/jmp

Enclosure